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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,143	04/15/2002	Franz Wieth	LBP-PT015 (19 351)	9819

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[REDACTED] EXAMINER

PREVIL, DANIEL

ART UNIT	PAPER NUMBER
2632	8

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/019,143	WIETH ET AL.
	Examiner Daniel Previl	Art Unit 2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 April 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Disposition of Claims

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5_7</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). All boxes in Fig. 1-Fig. 2 must have a descriptive label.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the phrase "means" in line 5 must be avoided. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US 6,486,768).

Regarding claim 1, French discloses detection means determines whether the returned shopping in the stacked row of shopping carts provided at the collection point within a prescribed tolerance (sensors 102 determine if the cart has been pushed into the cart corral at system 100) (col. 8, lines 44-57).

Although, French discloses every feature of the claimed invention but fails to specify the shopping cart has been stored in the stacked row. Since, French discloses the cart has been pushed into the cart corral (col. 8, lines 45-46). So, it would have been obvious to any skill artisan at the time the invention was made to recognize that pushing the cart into the cart corral as storing the cart in the stacked row achieved the same end result . Wherein shoppers can easily take the cart out to transport goods to his/her car for the sake of saving time and money.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Dipaolo et al. (US 5,402,106).

Regarding claim 2, French discloses all the limitations set forth in claim 1 but fails to explicitly disclose a digital image- processing camera.

However, Dipaolo discloses a camera (col. 5, lines 49-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers.

Regarding claim 3, the above combination discloses all the limitations in claim 2 and DiPaolo further the handlebar 39 of the shopping cart 13 as well as a distance and/or parallel positioning to the store 17 (fig. 2; col. 3, lines 10-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers.

Regarding claim 4, the above combination discloses all the limitations in claim 2 and DiPaolo further camera 113 takes picture of a person taking the shopping cart 13 out of parking lot 15 (col. 5, lines 49-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart.

Wherein system is safer, quicker and more convenient for shoppers.

Regarding claim 5, French discloses each shopping card is provided with an optically determinable individual identification (col. 10, lines 29-67).

Regarding claim 6, although, the above combination discloses all the limitations in claim 3 but to explicitly disclose IR range. Since, French discloses the RF ID tags transmitting a unique serial number (col. 7, lines 51-55). So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that using IF range instead of Using a RF range achieve the same end result wherein shopping cart return can be accurately detected and shoppers can be rewarded efficiently.

7. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of DiPaolo and further in view of Smith (US 3,882,982).

Regarding claim 7, the above combination discloses all the limitations in claim 7 but fails to explicitly disclose a deflection unit for the light signal coming from the signal transmitter with which to direct the light signal from each of the shopping carts to a next immediate shopping cart.

However, Smith discloses a deflection unit for the light signal coming from the signal transmitter with which to direct the light signal from each of the shopping carts to a next immediate shopping cart (the detector 14 includes a light source 19 for emitting a beam of light at the station to receive the light reflected back by the shopping cart) (fig. 1; col. 2, lines 67-68; col. 3, lines 1-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith in French and DiPaolo. Doing so would detect accurately when a shopping cart is correctly returned to the collection and a reward is delivered. Wherein shoppers can efficiently save time and money.

Regarding claim 8, the above combination discloses all the limitations in claim 7 and Smith further discloses indicia 13 attached to shopping carts 12 generated the signal to the issue bonus upon receiving a light signal that was received and redirected by the shopping cart in front of them (col. 5, lines 39-68; col. 6, lines 1-25).

Regarding claim 9, the above combination discloses all the limitations in claim 7 and Smith further discloses customer held data medium (reward medium) (col. 2, lines 48-49).

Regarding claim 10, French discloses read and write device (card reader) with which the signal to issue the bonus can be stored on a customer card (10, lines 18-49).

Regarding claim 11, the above combination discloses all the limitations above and Smith further discloses the optical signal transmitter is made of a common lighting system with a modulated light signal light source 19 for emitting a beam of light as the shopping cart moves pass the detector 14) (col. 2, lines 1-2; col. 3, lines 1-14).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US 6,486,768).

Regarding claim 12, French discloses detection upon returning a shopping cart to a collection point generating a signal to issue a bonus (abstract; col. 10, lines 18-66) means determines whether the returned shopping in the stacked row of shopping carts provided at the collection point within a prescribed tolerance (sensors 102 determine if the cart has been pushed into the cart corral at system 100) (col. 8, lines 44-57).

Although, French discloses every feature of the claimed invention but fails to specify the shopping cart has been stored in the stacked row. Since, French discloses the cart has been pushed into the cart corral (col. 8, lines 45-46). So, it would have been obvious to any skill artisan at the time the invention was made to recognize that pushing the cart into the cart corral as storing the cart in the stacked row achieved the same end result . Wherein shoppers can easily take the cart out to transport goods to his/her car for the sake of saving time and money.

9. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of DiPaolo et al. (US 5,402,106).

Regarding claim 13, French discloses all the limitations set forth in claim 1 but fails to explicitly disclose a digital image- processing camera.

However, DiPaolo discloses a camera (col. 5, lines 49-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of DiPaolo in French. Doing so would encourage shoppers of returning shopping cart to a cart return location because shoppers will be rewarded and the system can deter thieves from stealing the cart. Wherein system is safer, quicker and more convenient for shoppers.

Regarding claims 14-15, French discloses each shopping card is provided with an optically determinable individual identification (col. 10, lines 29-67).

Regarding claim 16, French discloses a common lighting system with a modulated light signal (LED) (col. 10, lines 18-29).

Regarding claim 17, French discloses the step of issuing a bonus is stored on a data medium of the customer (if a customer ID card is swiped through the card reader, the customer is credited with returning a cart) (col. 8, lines 52-57).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burke (US 5,848,399) discloses a computer system for allowing a consumer to purchase packaged goods at home.

Unger (US 4,470,495) discloses a device for encouraging the return of shopping carts.

Peggs (US 3,897,863) discloses a cart reception and reward mechanism.

Havens (US 4,868,544) discloses a shopping cart retrieval system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on 703 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Daniel Previl  
Examiner  
Art Unit 2632

DP  
May 19, 2003

DANIEL J WU  
PRIMARY EXAMINER

5/19/03